

THE BUSINESS JOURNAL

SERVING METROPOLITAN KANSAS CITY

VOL. 23, NO. 21

JANUARY 28-FEBRUARY 3, 2005

Confidence, preparation bring winning career

PROFILE

Craig O'Dear

Commercial litigation
leader,
Bryan Cave LLP



O'DEAR

By MARK KIND
STAFF WRITER

Before Highland High School's first-ever football game in 1972, coach Pat Wozniak knew no one on his team had ever played in pads or with referees, so he asked whether anyone had at least seen a game live.

Two hands went up.

Boys in northeast Missouri's Lewis County shot hoops and understood pigskin to be the protective outer layer of a 4-H project. So Wozniak put the basketball stars in his backfield and a truckload of corn-fed farm boys on the line and went 9-0 that year.

"We just kept it simple," Wozniak said. "We ran the wishbone."

At quarterback was 6-foot-4 sophomore Craig O'Dear — a farm boy, a basketball player and a future champion hurdler.

"Without the quarterback, that wouldn't have been possible to have that record," Wozniak said. "That was a big, strong, smart kid."

Confident, too. Folks have always fawned over O'Dear, probably from the moment of his birth: He was the first and only boy born to farmers who already had two girls.

"My mother and my sisters kept great scrapbooks of all my athletic years," O'Dear said in passing, as though it's perfectly normal for a kid's siblings to clip and paste the chronicles of his youth.

"They were a family focused on the children being successful," Wozniak said.

Many of those clippings were published 30 miles away in Quincy, Ill., where



DAVE KAUP PHOTO

Craig O'Dear has been a private pilot for nearly 30 years.

O'Dear's dad drove him every Saturday to play basketball with the *Quincy Herald-Whig* publisher's kids on a YMCA team, beginning in the fourth grade.

"I scored like 75 percent of the points that season," O'Dear said.

His dad served on the school board after a consolidation of three high schools and pushed the new district to offer football, helping create Wozniak's team.

His dad also encouraged him to learn to fly and paid for flight lessons.

O'Dear hasn't forgotten the farm, where he often returns, sometimes flying there in a rented plane. Dirt bikes, livestock, country air and O'Dear's enduring memories have even hooked his three kids, who'll summer in Lewis County this year.

"The kids are always asking, 'Why can't we live here?'" he said.

But if it took a village and two sisters and a farm to give O'Dear a running start at life, he never really slowed down. At first,

he handled his career as though it were an option play, letting dreams of a National Football League future carry the ball long enough to pick up an athletic scholarship to a public university and stiff-arm Harvard before he pitched out to engineering school, took a lateral and bolted for law school.

He came to Stinson Mag & Fizzell in 1982, knowing what he wanted to do and knowing that it wasn't quarterbacking in the NFL or engineering a chemical manufacturer's processes or drawing up real estate contracts.

"Craig had a lot of confidence," said David Everson of Stinson Morrison Hecker LLP, who recruited O'Dear. "He wanted to be a trial lawyer."

Eighteen months out of Vanderbilt University Law School, O'Dear lobbied the firm hard to let him defend Hallmark Cards Inc. and the other defendants in the Hyatt skywalk collapse against a plaintiff's \$1.5

PROFILE: *'You can be confident when you're well-prepared,' client says of O'Dear*

million claim of post-traumatic stress disorder.

"If you send me in there, they're going to know it's my first trial, and they're going to know you didn't send me in there to try a serious, big-dollar case," O'Dear told his firm and client, aware that in a city traumatized by the collapse, the defendants easily could lose by putting up too much of a fight.

O'Dear got the case, one of seven to go to trial among the more than 2,000 arising from the Hyatt collapse. The plaintiff's lawyers knew they were whipped before closing arguments, when they asked whether Hallmark's pretrial settlement offer of \$125,000 was still available, and the publicly contrite defendants were able to avoid a victory.

Robbed of a chance to judge the case, the jurors instead offered verdicts on O'Dear. One who had served as foreman on four previous civil juries told an interview service that "he has never seen a lawyer so honest, classy and sincere. O'Dear didn't play games and wanted to be fair."

Attached to O'Dear's resume are the praises of nine other jurors from the case, who wished him luck and noted that he had been kinder to the plaintiff during questioning than her lawyers had been. One juror "regrets becoming tongue-tied and not being able to tell Mr. O'Dear afterward how

GETTING PERSONAL

Craig O'Dear

Title: Commercial litigation leader, Bryan Cave LLP

Age: 47

Family: Wife, Stephanie; children, Sydney, 9, Cullen, 6, Cormac, 3

Education: Bachelor's in engineering management, University of Missouri-Rolla, 1979; law degree, Vanderbilt University, 1982

Hobbies: Flying (licensed pilot since 1976), motorcycle riding (Harley-Davidson), farming and tae kwon do (green belt)

much she liked him," the interview service said.

O'Dear said he prefers to take cases to juries, but his case preparation habits have forestalled trial for some defendants.

Harmon Industries of Blue Springs hired him in the late 1980s after it grew weary of paying to settle nationwide lawsuits blaming its

signal equipment for accidents at railroad crossings. O'Dear became the lead defense counsel.

"Every time there's an accident at a grade crossing, the plaintiff simply goes to the scene, and any name they see on any piece of equipment, they just name them in a lawsuit whether the product's defective or not," said Gene Harmon, former CEO and founder who sold the company to General Electric in 2000. "Craig developed a strategy that worked extremely well."

First, the lawyer and one of Harmon's top engineers rushed to car-train crash sites,

usually on rural roads far from Kansas City, "the minute we heard of an accident that involved our equipment," Harmon said.

"The second part of the strategy was to, I don't know any other way to put it, but play hardball with the plaintiff," Harmon said. "Go to the plaintiff and say, 'Look, our equipment is not defective, and here's why.'"

Plaintiffs didn't listen at first, but judges did, brushing aside suit after suit on summary judgment based on indisputable evidence that the crossing signals worked. The company didn't pay another settlement.

"The thing that separated Craig from all the other attorneys that I've worked with is his preparation," Harmon said. "You know everybody always says he's very confident, but you can be confident when you're well-prepared."

But O'Dear also attributes his success to honesty and persuasiveness and civility.

"You may have facts in your case that are not good for your client, but if you are honest with the jury about those facts, you still have a chance to ultimately persuade the jury that other facts and the circumstances as a whole call for a verdict in your client's favor," he said.

"A simple will to win does not get you there."

REACH MARK KIND at 816-421-5900 or mkind@bizjournals.com.